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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/788,713	02/27/2004	Christian John Greenfield	700250-1002	6770
7590	10/01/2004			
Michael A. O'Neil				
Michael A. O'Neil, P.C.				
5949 Sherry Lane, Suite 820				
Dallas, TX 75225				
			EXAMINER	
			MENDEZ, MANUEL A	
		ART UNIT		PAPER NUMBER
		3763		

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/788,713

Applicant(s)

GREENFIELD, CHRISTIAN JOHN

Examiner

Manuel Mendez

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

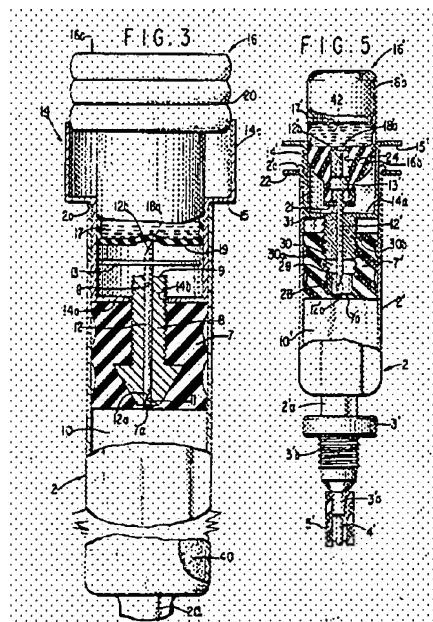
### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

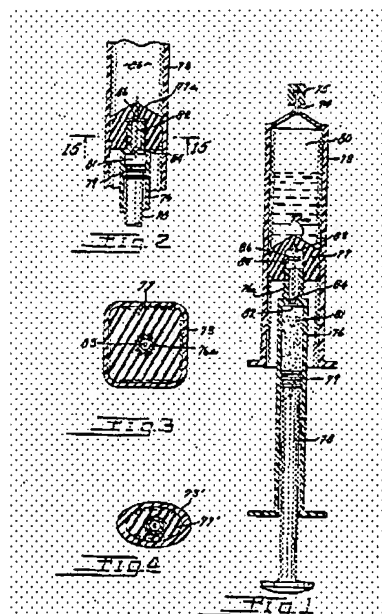
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over **[Cohen or Richmond] in view of Shaw and Gomez, et al.** The Cohen and Richmond Patents disclose a syringe for sequentially administering different fluids comprising a syringe body having a hollow interior for receiving the fluids to be administered; a syringe needle mounted at one end of the syringe body for administering the fluids therefrom; a plunger mounted within the interior of the syringe body for movement therein toward the end of the syringe body comprising the syringe needle force fluids outwardly from the interior of the syringe body through the syringe needle; the plunger further comprising a piston forming a fluid tight seal with the interior of the syringe body; a floating piston slidably supported within the hollow interior of the syringe body and forming fluid tight seal with the syringe body which divides the syringe body into a first portion for receiving the first fluid to be administered and second portion for receiving the second fluid to be administered; and the floating piston further comprising means for connecting the second fluid to be administered fluid communication with the syringe needle after all of the first fluid to be administered has been discharged therethrough.

The Cohen and Richmond do not disclose means for connecting the second fluid to be administered in fluid communication with the syringe needle. However, such piston design is conventional in the art as evidenced by the teachings of Gomez, et al., and/or Shaw.



Gomez, et al., Figures 3 and 5.



Shaw, Figures 1 to 4.

**The Gomez, et al., and Shaw Patents** disclose a piston having a portion forming a fluid tight seal with the interior of the syringe body and a lower portion comprising of resilient means and a piercing needle. Based on the teachings of these two patents, it would be considered obvious to modify the pistons disclosed by Cohen and Richmond, with pistons having resilient means and a piercing needle. Based on the conventionality of this piston design, it would not be unreasonable to suggest that its use in the piston structures disclosed by Richmond and Cohen would have been considered an obvious design choice.

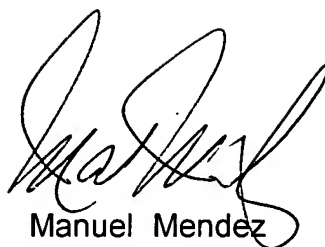
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel Mendez whose telephone number is 703-308-2221. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Brian Casler can be reached on 703-308-3552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/788,713  
Art Unit: 3763

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A handwritten signature in black ink, appearing to read 'Manuel Mendez', with a stylized, cursive script.

Manuel Mendez  
Primary Examiner  
Art Unit 3763

MM